

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

* * * * *

DUANE HOFFMAN,	*	
	*	No. 19-111V
Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	
	*	Filed: September 13, 2024
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
* * * * *		

Isaiah Kalinowski, Bosson Legal Group, P.C., Fairfax, VA, for petitioner;
Felicia D. Langel, United States Dep’t of Justice, Washington, DC, for respondent.

RULING FINDING ENTITLEMENT TO COMPENSATION¹

Duane Hoffman alleges that an influenza (“flu”) vaccine caused him to develop a neurologic problem, chronic inflammatory demyelinating polyneuropathy (“CIDP”). Mr. Hoffman supported his claim with reports from a neurologist retained for this litigation, Zurab Nadareishvili. The Secretary disputes Mr. Hoffman’s claim that the flu vaccine injured him and has, likewise, supported

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). This means the Ruling will be available to anyone with access to the internet. In accordance with Vaccine Rule 18(b), the parties have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. Any changes will appear in the document posted on the website.

his position with reports from a neurologist the Secretary retained for this litigation, Michael Wilson.

An Initial Entitlement Decision rejected Mr. Hoffman's argument that he was required to present a plausible theory of how the flu vaccine can cause CIDP. Initial Entitlement Decision, issued Jan. 10, 2024, 2024 WL 402731. Mr. Hoffman contested this determination. Pet'r's Mot. for Rev., filed Feb. 9, 2024. The Court agreed that the Initial Entitlement Decision erroneously elevated Mr. Hoffman's burden of proof. Opinion and Order, issued July 8, 2024, 2024 WL 3688477. The Court remanded for further adjudication.

Upon remand, the parties filed supplemental briefs. An oral argument with the undersigned was held on August 16, 2024.² A review of the evidence under the Court's standards shows that Mr. Hoffman is entitled to compensation.

I. Background³

Mr. Hoffman was born in 1960. For many years, he worked as a corrections officer, although he was not employed when he received the allegedly causal flu vaccination in 2017. Exhibit 23 (affidavit regarding damages).

More than two years before the flu vaccination, Mr. Hoffman was diagnosed with chronic lymphocytic leukemia ("CLL"). Exhibit 10 at 7 (Mar. 31. 2015). The Secretary's expert, Dr. Wilson, has proposed that the leukemia is associated with an increased risk for CIDP. Exhibit A at 5.

In January 2017, Mr. Hoffman was hospitalized due to an exacerbation of chronic obstructive pulmonary disease. Exhibit 4 at 657. While hospitalized, Mr. Hoffman received the flu vaccine. Exhibit 1. (Mr. Hoffman also received a pneumococcal vaccine but his claim rests upon the flu vaccine.)

² As part of the motion for review, the Court heard oral argument. The transcript from June 20, 2024 contains pages 1-86. The transcript from the August 16, 2024 argument contains pages 101-199.

³ Events in Mr. Hoffman's life were summarized in the Initial Entitlement Decision and largely adopted in the Court's Opinion and Order. The parties were satisfied with the recitation of events. Tr. 111.

Mr. Hoffman was diagnosed with low back pain on January 24, 2017. Exhibit 4 at 819, 862. This pain continued and Mr. Hoffman developed other problems for which he was admitted to Riverside Methodist Hospital. In Riverside Methodist Hospital, Mr. Hoffman underwent tests, including an EMG/NCS. Based upon the results, Mr. Hoffman's doctors diagnosed him with a neurologic disorder, Guillain-Barré syndrome. Exhibit 7 at 261, 876-81.

Guillain-Barré syndrome is:

(i) ... an acute monophasic peripheral neuropathy that encompasses a spectrum of four clinicopathological subtypes described below. For each subtype of GBS, the interval between the first appearance of symptoms and the nadir of weakness is between 12 hours and 28 days. This is followed in all subtypes by a clinical plateau with stabilization at the nadir of symptoms, or subsequent improvement without significant relapse. Death may occur without a clinical plateau. Treatment related fluctuations in all subtypes of GBS can occur within 9 weeks of GBS symptom onset and recurrence of symptoms after this time-frame would not be consistent with GBS.

(ii) The most common subtype in North America and Europe, comprising more than 90 percent of cases, is acute inflammatory demyelinating polyneuropathy (AIDP), which has the pathologic and electrodiagnostic features of focal demyelination of motor and sensory peripheral nerves and nerve roots. . . . AIDP [is] typically characterized by symmetric motor flaccid weakness, sensory abnormalities, and/or autonomic dysfunction caused by autoimmune damage to peripheral nerves and nerve roots. The diagnosis of AIDP. . . requires:

(A) Bilateral flaccid limb weakness and decreased or absent deep tendon reflexes in weak limbs;

(B) A monophasic illness pattern;

(C) An interval between onset and nadir of weakness between 12 hours and 28 days;

(D) Subsequent clinical plateau (the clinical plateau leads to either stabilization at the nadir of symptoms, or subsequent improvement without significant relapse; however, death may occur without a clinical plateau); and,

(E) The absence of an identified more likely alternative diagnosis.

* * *

(v) To qualify as any subtype of GBS, there must not be a more likely alternative diagnosis for the weakness.

(vi) Exclusionary criteria for the diagnosis of all subtypes of GBS include the ultimate diagnosis of any of the following conditions: chronic immune demyelinating polyradiculopathy (CIDP) . . .

42 C.F.R. § 100.3(c)(15).

Mr. Hoffman's doctors prescribed a standard treatment for GBS, the infusion of intravenous immunoglobulin ("IVIG"). In early 2017, when Mr. Hoffman's doctors were treating him for GBS, at least one doctor stated that the flu vaccine caused Mr. Hoffman's GBS. Exhibit 7 at 266; see also Exhibit 4 at 1053 (note, from an unknown source, that Mr. Hoffman's allergies include the flu vaccine).

Mr. Hoffman attempted rehabilitation for several months and sought care from various doctors. One neurologist, Geoffrey Eubank, ordered a test for anti-ganglioside antibodies. The results were negative. Exhibit 9 at 32.

Approximately eight months after the diagnosis of GBS, Mr. Hoffman saw Dr. Eubank again. Exhibit 19 at 66 (Oct. 9, 2017). Dr. Eubank changed the diagnosis to CIDP. He explained his rationale. Dr. Eubank

previously thought that [Mr. Hoffman] had Guillain Barre syndrome but . . . [h]e continued to have some worsening this summer and subsequently improved with a course of IVIG for 5 days. This would not be typical for Guillain Barre which should be more of a monophasic illness.

Id.

Another neurologist, Timothy Rust, confirmed the diagnosis of CIDP. Exhibit 19 at 58 (Dec. 13, 2017). Dr. Rust wrote that "CLL can be associated with peripheral nervous system pathology similar to non-Hodgkin lymphoma, including a relatively high rate of CIDP." Id.

The diagnosis of CIDP is accepted by the neurologists retained to provide opinions. Exhibit 30 at 7; Exhibit A at 3-4.⁴ “CIDP” stands for “chronic inflammatory demyelinating polyneuropathy,” which explains the basic information about the disease. See Exhibit A at 4. Although most cases of CIDP develop insidiously, CIDP can develop abruptly as in Mr. Hoffman’s case. Exhibit 30 at 7, Exhibit A at 4.

As discussed below, the etiology of CIDP is “poorly understood.” Exhibit A at 5. According to Dr. Nadareishvili, “An abundance of clinical and experimental research has led to the conclusion that CIDP is mediated by humoral and cellular immunity against Schwann cell/myelin target antigens in the nerves, thus its classification as an autoimmune disease.” Exhibit 30 at 9. A primary question in this litigation is whether the flu vaccine can provoke an autoimmune attack, which leads to CIDP.

II. Procedural History⁵

Initially, Mr. Hoffman alleged that the flu vaccine caused him to suffer GBS. Pet., filed Jan. 22, 2019, ¶ 15. He sought compensation via the Vaccine Injury Table and adjudication through the special processing unit of the Office of Special Masters. Id. ¶ 20-21. The case was assigned to the special processing unit. Mr. Hoffman periodically filed medical records.

The Secretary reviewed the evidence and recommended that compensation be denied. Resp’t’s Rep., filed June 12, 2020. The Secretary maintained that based upon the records from Dr. Eubank and Dr. Rust, Mr. Hoffman suffered from

⁴ In the Vaccine Program, petitioners often allege that a vaccine caused them to suffer CIDP. Thus, special masters are generally familiar with CIDP. For some examples of recent opinions about CIDP, see Radford v. Sec’y of Health & Hum. Servs., No. 18-704V, 2023 WL 2159306, at *7-12 (Fed. Cl. Spec. Mstr. Feb. 22, 2023); Berg v. Sec’y of Health & Hum. Servs., No. 16-650V, 2021 WL 6883495 at *24-37 (Fed. Cl. Spec. Mstr. Dec. 14, 2021); Tomsky v. Sec’y of Health & Hum. Servs., No. 17-1132V, 2020 WL 5587365, at *8-18 (Fed. Cl. Spec. Mstr. Aug. 24, 2020).

⁵ The Initial Entitlement Decision set forth the procedural history through the date it was issued. 2024 WL 402731. The procedural history is repeated here because each decision is evaluated separately. Cottingham v. Sec’y of Health & Hum. Servs., 971 F.3d 1337, 1345 n.2 (Fed. Cir. 2020).

CIDP, not GBS. Id. at 8. Because resolution through the special processing unit seemed infeasible, the case was reassigned. Notice, issued June 25, 2020.

Mr. Hoffman changed his claim. He alleged that the flu vaccine was the cause-in-fact of his CIDP. Am. Pet., filed Sep. 17, 2020.

Mr. Hoffman supported his claim that the flu vaccine caused his CIDP with a report from Dr. Nadareishvili. Exhibit 30. Dr. Nadareishvili stated that CIDP is similar to GBS. He proposed that the flu vaccine can cause CIDP via molecular mimicry. Id. at 7-16.

The Secretary countered by presenting a report from Dr. Wilson. Exhibit A. Dr. Wilson disputed molecular mimicry as a theory to explain how a flu vaccine might cause CIDP. Id. at 4-5. Dr. Wilson noted that to the extent that molecular mimicry might predict an attack on gangliosides as causing CIDP, this theory would not explain what happened to Mr. Hoffman because a test for anti-ganglioside antibodies was negative. Id. at 5. Finally, Dr. Wilson suggested that chronic lymphocytic leukemia is associated with CIDP. Id. at 5.

Dr. Nadareishvili responded to Dr. Wilson in a report filed on January 11, 2022. Exhibit 63. Dr. Nadareishvili contended that Dr. Wilson did not explain how CLL can cause CIDP. Id. at 3.

Dr. Wilson replied that he did not say that CLL can cause CIDP because “No one knows what triggers CIDP.” Exhibit C at 2 (filed Mar. 14, 2022). In an ensuing status conference, the Secretary was asked how Mr. Hoffman’s chronic lymphocytic leukemia affects the case given that Dr. Wilson has not presented any mechanism by which CLL can cause CIDP. The Secretary stated that he might obtain a report from a different expert and Mr. Hoffman objected to adding a new expert on the ground that Mr. Hoffman’s CLL had been in the record. The Secretary eventually reported that he was not interested in settlement and will continue to defend the case. Resp’t’s Status Rep., filed Apr. 27, 2022.

The parties were directed to file briefs. Order, issued July 18, 2022. Mr. Hoffman filed his primary brief on August 22, 2022 and his reply on October 5, 2022. In between, the Secretary filed his brief on September 21, 2022.

As noted previously, Mr. Hoffman was found not entitled to compensation. Initial Entitlement Decision. 2024 WL 402731. The basis for denial was two-fold. First, the appropriate burden of proof regarding Althen prong 1 is preponderant

evidence, not plausibility. Second, Mr. Hoffman failed to establish the persuasiveness of the molecular mimicry theory in the context of a flu vaccine causing CIDP. The Initial Entitlement Decision also commented, briefly, on Althen prong 2 and Althen prong 3. The Initial Entitlement Decision found that Mr. Hoffman had likely established Althen prong 3 because the interval between the vaccination and the onset of his CIDP was appropriate for inferring causation. However, the evidence regarding Althen prong 2 was less clear.

In granting Mr. Hoffman's motion for review, the Court focused upon the burden of proof for Althen prong 1. The Court instructed the undersigned to determine whether Mr. Hoffman "has presented preponderant evidence linking the flu vaccine to CIDP via a biologically plausible theory." Opinion and Order, 2024 WL 3688477, at *14. Earlier, the Opinion and Order had defined "plausibility" as "a qualitative inquiry into whether a fact is '[c]onceivably true.'" Id. at *2 n.1 (quoting Black's Law Dictionary (11th ed. 2019)).

Following remand, the parties were directed to answer various questions and they did. See Order, issued July 9, 2024; Pet'r's Br. on Remand, filed July 24, 2024; Resp't's Br. on Remand, filed July 24, 2024. An oral argument was held on August 16, 2024. With the oral argument, the case is again ready for adjudication.

III. Standards for Adjudication

A petitioner is required to establish his case by a preponderance of the evidence. 42 U.S.C. § 300aa-13(1)(a). The preponderance of the evidence standard requires a "trier of fact to believe that the existence of a fact is more probable than its nonexistence before [he] may find in favor of the party who has the burden to persuade the judge of the fact's existence." Moberly v. Sec'y of Health & Hum. Servs., 592 F.3d 1315, 1322 n.2 (Fed. Cir. 2010) (citations omitted). Proof of medical certainty is not required. Bunting v. Sec'y of Health & Hum. Servs., 931 F.2d 867, 873 (Fed. Cir. 1991).

Distinguishing between "preponderant evidence" and "medical certainty" is important because a special master should not impose an evidentiary burden that is too high. Andreu v. Sec'y of Health & Hum. Servs., 569 F.3d 1367, 1379-80 (Fed. Cir. 2009) (reversing special master's decision that petitioners were not entitled to compensation); see also Lampe v. Sec'y of Health & Hum. Servs., 219 F.3d 1357 (Fed. Cir. 2000); Hodges v. Sec'y of Health & Hum. Servs., 9 F.3d 958, 961 (Fed. Cir. 1993) (disagreeing with dissenting judge's contention that the special master confused preponderance of the evidence with medical certainty).

When a petitioner, like Mr. Hoffman, claims that a vaccine caused an injury not listed on the Vaccine Injury Table, such as CIDP, the elements of a petitioner's case are well defined. A petitioner bears a burden "to show by preponderant evidence that the vaccination brought about [the vaccinee's] injury by providing: (1) a medical theory causally connecting the vaccination and the injury; (2) a logical sequence of cause and effect showing that the vaccination was the reason for the injury; and (3) a showing of a proximate temporal relationship between vaccination and injury." Althen v. Sec'y of Health & Hum. Servs., 418 F.3d 1274, 1278 (Fed. Cir. 2005).

The contents of the Opinion and Order are binding in this case. Boatmon v. Sec'y of Health & Hum. Servs., 941 F.3d 1351, 1358 (Fed. Cir. 2019). In the context of evaluating a district court's actions after a remand, the Federal Circuit has stated that "the district court's actions on remand should not be inconsistent with either the letter or the spirit of the mandate." Laitram Corp. v. NEC Corp., 115 F.3d 947, 951 (Fed. Cir. 1997).

IV. Analysis

The Secretary has not challenged prong three, which concerns timing. Tr. 112; Exhibit A at 5. Thus, the analysis concerns prongs one and two.

A. *Althen* Prong One

The Court's Opinion and Order directed the undersigned to evaluate whether Mr. Hoffman presented "preponderant evidence linking the flu vaccine to CIDP via a biologically plausible theory." The Court also defined "plausibility" in terms of being "conceivably true." The theory that Mr. Hoffman advances is molecular mimicry. Thus, by substitution, the Court's directive can be recast as requiring an evaluation as to whether preponderant evidence supports a finding that it is conceivably true that molecular mimicry can explain how the flu vaccine can cause CIDP.⁶ The parties agreed that the Opinion and Order may reasonably be

⁶ Although the First Entitlement Decision cited a series of opinions from the Court of Federal Claims about molecular mimicry as persuasive precedents, the Court's Opinion and Order did not cite to any of them. Similarly, although the First Entitlement Decision referenced one case from the Federal Circuit about molecular mimicry, W.C. v. Sec'y of Health & Hum. Servs., 704 F.3d 1352 (Fed. Cir. 2013), the Court's Opinion and Order did not cite to W.C. See

interpreted as directing the undersigned to consider whether it is conceivable true that molecular mimicry can explain how the flu vaccine can cause CIDP. Tr. 112-15.

Through Dr. Nadareishvili, Mr. Hoffman advances molecular mimicry as a biologically plausible way that a flu vaccine can cause CIDP. Pet'r's Br. at 24-40; see also Exhibit 30 at 11.⁷ Any vaccine is designed to engage people's immune systems. CIDP is considered an "immune-mediated neuropathy." Exhibit 30 at 9. This means that a person's immune system attacks components of the nervous system. A similar term is "autoimmune." See Exhibit 32 (Lunn and Sheikh) at 768.⁸ Molecular mimicry is one of the most common theories offered by petitioners to explain how a vaccine can cause a disease. See Tr. 123. A list of more than 75 examples of cases with molecular mimicry is presented in the appendices.

In simple terms, the theory of molecular mimicry is a vaccine -> (activates) immune system -> (attacks) human tissue -> disease. Preponderant evidence supports a finding that this proposition is conceivably true in the context of flu vaccine and CIDP.

Evidence supporting the statement that it is conceivably true that molecular mimicry explains how the flu vaccine can cause CIDP comes primarily from the parties' experts. Mr. Hoffman's expert opined that "to a reasonable level of scientific probability, this patient's seasonal influenza vaccination formed a substantial factor in the development of inflammatory demyelinating polyradiculopathy, which eventually became chronic (CIDP)." Exhibit 30 at 7.

Tr. 6 (identifying seven potentially relevant Federal Circuit precedential opinions). Under these circumstances, review of those opinions would not be appropriate.

⁷ Although Mr. Hoffman alludes to "other pathologic mechanisms," Pet.'r's Br. at 24, he has not developed any argument with regard to pathologic mechanisms except for molecular mimicry. See Tr. 123.

⁸ Michael Lunn & Kazim Sheikh, Peripheral Neuropathies, 5 The Autoimmune Diseases 757 (2014). "Exhibit 31" is shown on the actual medical article; however, the comprehensive exhibit list, submitted on April 1, 2023, indicates that this article is "Exhibit 32." "Exhibit 31" is shown on Dr. Nadareishvili's curriculum vitae as well. The comprehensive exhibit list indicates that Dr. Nadareishvili's curriculum vitae is "Exhibit 31." It appears that the Exhibit number on the medical article is inaccurate. This decision will cite to this medical article as Exhibit 32.

The Secretary's expert, Dr. Wilson, stated that "there is very weak evidence for any association between CIDP and influenza vaccinations." Exhibit A at 4. Dr. Wilson did not opine that molecular mimicry is not conceivably true. Thus, to a degree, Dr. Wilson's opinion is not answering the question posed by the Court.

Beyond the opinion of Dr. Nadareishvili, relatively little evidence strongly supports or strongly contradicts the proposition that it is conceivably true for molecular mimicry to explain how flu vaccine can cause CIDP. For example, Dr. Nadareishvili cited two articles in which the authors surveyed approximately 100 people who had CIDP to determine what were antecedent events. Exhibit 30 at 8 n.3. In one article, four people reported receiving vaccines but none reported the flu vaccine. Exhibit 55 (McCombe) at 2622.⁹ In the second article, none of the people reported a vaccination within six weeks before the onset of their CIDP, although 16 people reported an infection. Exhibit 56 (Bouchard) at 499.¹⁰ At oral argument, Mr. Hoffman's counsel maintained that McCombe was relevant because the authors "include vaccines in their data set." Tr. 146.¹¹

It would be difficult to find that McCombe or Bouchard make it *likely* that flu vaccination causes CIDP. See Howard v. Sec'y of Health & Hum. Servs., No. 16-1592V, 2022 WL 4869354, at *11, *24-25 (Fed. Cl. Spec. Mstr. Aug. 31, 2022) (denying entitlement despite the presence of McCombe), mot. for rev. denied, 2023 WL 4117370, at *6 (Fed. Cl. 2023), aff'd without opinion, 2024 WL 2873301 (Fed. Cir. 2024). But, when the operative issue is whether it is conceivably true that flu vaccination can cause CIDP via molecular mimicry, then McCombe and Bouchard are supportive.

The same analysis also deepens the evidentiary value of a case report Dr. Nadareishvili advanced. In this article, the authors described an instance in which a 74-year-old man received a flu vaccination and, two days later, developed

⁹ P.A. McCombe et al., Chronic Inflammatory Demyelinating Polyradiculoneuropathy: A Clinical And Electrophysiological Study of 92 Cases, 110 Brain 1617 (1987), filed as Exhibit 55.

¹⁰ C. Bouchard et al., Clinicopathologic findings and prognosis of chronic inflammatory demyelinating polyneuropathy, 52 NEUROLOGY 498 (1999), filed as Exhibit 56.

¹¹ At oral argument, Mr. Hoffman's counsel was less familiar with the value of Bouchard. See Tr. 1418-50.

weakness that led to a diagnosis of CIDP. Exhibit 44 (Brostoff) at 229.¹² Generally speaking, case reports provide little, if any, persuasive evidence that an antecedent event (like a vaccination) caused the subsequent event (like a disease) because the case reports present sequences of events.¹³ See Tr. 152-54. But, the present inquiry is different: does a case report enhance the biologic plausibility of the proposition? It does. See J. v. Sec’y of Health & Hum. Servs., 155 Fed. Cl. 20, 47 (2021) (characterizing the Agmon-Levin case reports as “probative”); Bryan v. Sec’y of Health & Hum. Servs., No. 14-898V, 2020 WL 7089841, at *21 (Fed. Cl. Spec. Mstr. Oct. 9, 2020). The authors’ creation of a case report supports the idea that it is “conceivably true” that the preceding event caused the subsequent event. See Tr. 154.

Under the “biological plausibility” / “conceivably true” standard, Mr. Hoffman has passed this threshold with Dr. Nadareishvili’s invocation of molecular mimicry as a method to explain how flu vaccine can cause CIDP. It also seems that almost every offering of molecular mimicry would be seen as conceivably true. The appendices demonstrate the variety of vaccine-injury combinations in which petitioners have proposed molecular mimicry. In a non-binding opinion, a different judge recognized the molecular mimicry could encompass almost anything:

In fact, because Dr. Tornatore does not offer any specific explanation as to the distinct connection between Tdap, molecular mimicry, and GBS, one could take Dr. Tornatore’s causation theory and substitute any table vaccine (e.g., the measles vaccine) and any autoimmune disorder (e.g., autoimmune encephalitis) and Dr. Tornatore’s expert report’s discussion of molecular mimicry would require absolutely no changes. That is how general his molecular mimicry theory is—it does not

¹² J.M. Brostoff et al., Post-influenza vaccine chronic inflammatory demyelinating polyneuropathy, 37 AGE AND AGEING 229 (2008), filed as Exhibit 44.

¹³ A few case reports, such as those presenting examples of challenge-rechallenge, might be different. However, Mr. Hoffman conceded that Brostoff was not one of those special case reports. Tr. 156.

matter which vaccine and which autoimmune disorder are plugged in.

Dennington v. Sec’y of Health & Hum. Servs., 167 Fed. Cl. 640, 654 (2023), appeal dismissed, No. 2024-1214 (Fed. Cir. Mar. 25, 2024) When asked at oral argument what evidence would negate the plausibility of molecular mimicry, Mr. Hoffman’s counsel struggled to articulate any. See Tr. 174. Mr. Hoffman’s attorney argued that “there will never be a point where the – where the Special Masters are in a position to negate molecular mimicry.” Tr. 167.¹⁴

The outcome of this ruling differs from the outcome in the First Entitlement Decision because the burden of proof has changed. The First Entitlement Decision found that Mr. Hoffman did not present a *persuasive* medical theory. However, for the reasons explained above, Mr. Hoffman has presented a *plausible* medical theory.

Accordingly, Mr. Hoffman has met the burden of proof as the Court has defined it for Althen prong one.

B. *Althen* Prong Two

The second element of the causation-in-fact test is whether petitioner has shown “a logical sequence of cause and effect showing that the vaccination was the reason for the injury.” Althen, 418 F.3d at 1278. With respect to this prong, the Federal Circuit has instructed special masters to consider carefully the views of a treating doctor. Capizzano v. Sec’y of Health & Hum. Servs., 440 F.3d 1317, 1326 (Fed. Cir. 2006).

Here, Mr. Hoffman draws support from Dr. Nadareishvili, who opined that the vaccination was “a substantial factor in the causation of Mr. Hoffman’s injured condition.” Exhibit 30 at 1. Dr. Nadareishvili appears to reach this conclusion because (1) in his view, the flu vaccine can cause CIDP, (2) the CIDP presented in an appropriate time after the flu vaccination (12 days), and (3) an elimination of

¹⁴ The fact that under the biologic plausibility standard, petitioners will almost universally satisfy Althen prong one by presenting molecular mimicry does not affect the outcome. Appellate authorities define the elements of petitioners’ cases and special masters (attempt to) implement those standards. Althen, 418 F.3d at 1280 (a “special master’s role is to apply the law”).

other potential causes. See id. at 18. Mr. Hoffman reasons this way as well. Pet'r's Br. at 41-43; Tr. 184-87.

Whether other causes of CIDP have been eliminated is debatable. The Secretary's expert, Dr. Wilson, stated that CLL has been associated with CIDP. Exhibit A at 4. But, Dr. Wilson confirmed with admirable honesty and clarity in his second report: "I did not provide a mechanistic explanation for what causes CIDP; however, I intentionally did not use the words 'cause' or 'causal' when discussing the association between hematologic malignancies and CIDP. No one knows what triggers CIDP." Exhibit C at 2. The Secretary similarly conceded that the Secretary has not explained how a cancer can cause CIDP. Tr. 193-94.¹⁵ Thus, Mr. Hoffman's experience of CLL four years earlier still allows for a finding that the flu vaccine caused his CIDP. See Pet'r's Supp'l Br., filed July 24, 2024, at 7-10.

At the end of the day, relatively little evidence supports or detracts on this point. See Exhibit 30 at 18 (Dr. Nadareishvili: "Regarding the opinions of treating physicians on etiology, the record in this case is relatively quiet"). The scarcity of evidence does not prevent a finding in Mr. Hoffman's favor as the proverbial evidentiary scales need to tip only slightly. There is sufficient evidence for Mr. Hoffman to meet his burden.

V. Conclusion

Under the standards set in the Court's Opinion and Order, Mr. Hoffman has shown that he is entitled to compensation. A separate damages order will issue shortly.

¹⁵ The Secretary's primary argument regarding prong two is that this element is irrelevant because Mr. Hoffman's case fails on prong one. Tr. 110, 188. However, for reasons explained in the text, molecular mimicry is conceivably true.

The Clerk's Office is directed to provide this Ruling to the assigned judge.
See Vaccine Rule 28.1(a).

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Parker	Sanders, SM.	14-979V	6/24/2019	2019 WL 3425297	flu	rheumatoid arthritis	accepted			
McKown	Corcoran, SM.	15-1451V	7/15/2019	2019 WL 4072113	HPV	POTS	rejected			
Pearson	Dorsey, SM.	16-9V	7/31/2019	2019 WL 3852633	flu	transverse myelitis	rejected			
Yalacki	Firestone, J.	14-278V	8/5/2019	146 Fed. Cl. 80	hepatitis B	POTS, CFS	rejected	SM was not arbitrary or capricious in rejecting molecular mimicry		
Swaiss	Gowen, SM.	15-286V	11/4/2019	2019 WL 6520791	Tdap	small fiber GBS	accepted			
Tullio	Moran, SM.	15-51V	12/19/2019	2019 WL 7580149	flu	rheumatoid arthritis	rejected		MFR denied, 149 Fed. Cl. 448 (2020)	
Hitt	Moran, SM.	15-1283V	1/24/2020	2020 WL 831822	flu	multiple sclerosis	accepted			
Sweeney	Sanders, SM.	13-392V	2/28/2020	2020 WL 1844672	flu	GBS	not evaluated	GBS as diagnosis was not established		

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Sweeney	Sanders, SM.	13-392V	2/28/2020	2020 WL 1844672	flu	para-neoplastic syndrome	accepted	Respondent's expert offered MM to explain how lung cancer could have neurologic complications. SM seemed to endorse.		
Allard	Roth, SM.	14-442V	3/9/2020	2020 WL 1649669	HPV	ITP	rejected			
Rowan	Corcoran, SM.	17-760V	4/28/2020	2020 WL 2954954	flu	GBS	not evaluated	Timing was wrong		
Castaneda	Oler, SM.	15-1066V	5/18/2020	2020 WL 3833076	MMR and others	PANS	rejected	Onset was too quick	MFR denied, 152 Fed.Cl. 576 (2020)	
Temes	Corcoran, SM.	16-1465V	5/21/2020	2020 WL 4198036	flu and/or pneumococcal	cryoglobulinemia	rejected		MFR denied, 151 Fed. Cl. 448 (2020)	
Walls	Olers, SM.	16-557V	6/23/2020	2020 WL 13801342	childhood	ITP	accepted			
Deshler	Corcoran, SM.	16-1070V	7/1/2020	2020 WL 4593162	pneumococcal	GBS	rejected			

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Duncan	Moran, SM.	16-1367V	10/19/2020	2020 WL 6738118	HPV	PANDAS	rejected		MFR denied, 153 Fed. Cl. 642 (2021)	
Soltero Arias	Horner, SM.	16-808V	10/20/2020	2020 WL 6706071	flu	GBS	accepted	Petition filed before Table change		
E.S.	Corcoran, SM.	17-480V	11/13/2020	2020 WL 9076620	HPV, flu	narcolepsy	rejected		MFR denied, 154 Fed.Cl. 149 (2021)	
E.S.	Corcoran, SM.	17-480V	11/13/2020	2020 WL 9076620	HPV, flu	small fiber neuropathy	rejected		MFR denied, 154 Fed.Cl. 149 (2021)	
E.S.	Corcoran, SM.	17-480V	11/13/2020	2020 WL 9076620	HPV, flu	CFS	rejected		MFR denied, 154 Fed.Cl. 149 (2021)	
E.S.	Corcoran, SM.	17-480V	11/13/2020	2020 WL 9076620	HPV, flu	POTS	rejected		MFR denied, 154 Fed.Cl. 149 (2021)	

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Phillips	Oler, SM.	16-906V	11/23/2020	2020 WL 7767511	HPV	ITP	accepted			
Phillips	Oler, SM.	16-906V	11/23/2020	2020 WL 7767511	live flu	ITP	rejected			
Temes	Griggsby, J.	16-1465V	12/7/2020	151 Fed. Cl. 448	flu and/or pneumococcal	cryoglobulinemia	rejected	Special master's rejection of molecular mimicry was supported by substantial evidence.		
Pickens	Moran, SM.	17-187V	1/22/2021	2021 WL 615218	MMR	SIDP	rejected			
Blender	Dorsey, SM.	16-1308V	2/26/2021	2021 WL 1096662	flu	polyneuropathy	accepted	Special master found that pneumococcal vaccine played no role		
Nifakos	Oler, SM.	14-236V	3/4/2021	2021 WL 1345218	HPV	primary medistinal large B-cell lymphoma	rejected			
Parmer	Roth, SM.	16-880V	3/25/2021	2021 WL 1524512	flu	Thrombotic Thrombocytopenia	accepted			
Robinson	Oler, SM.	14-952V	4/12/2021	2021 WL 2371721	flu	multiple sclerosis	accepted			

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Duncan	Davis, J.	16-1367V	4/19/2021	153 Fed. Cl. 642	HPV	PANDAS	rejected	SM was not arbitrary or capricious in rejecting molecular mimicry		
Patton	Horner, SM.	15-1553V	5/17/2021	2021 WL 2389835	flu	brachial neuritis	rejected	On review, CFC found that molecular mimicry theory satisfied Althen 1	vacated and remanded, 157 Fed.Cl. 159 (2021).	
Loyd	Corcoran, SM.	16-811V	5/20/2021	2021 WL 2708941	pneumococcal	ITP	rejected	SM was not arbitrary or capricious in rejecting molecular mimicry	MFR denied, not available on WL	affirmed, 2023 WL 1878572
E.M.	Sanders, SM.	14-753V	7/9/2021	2021 WL 3477837	flu	small fiber neuropathy	accepted			
Caredio	Corcoran, SM.	17-79V	7/30/2021	2021 WL 4100294	flu	epilepsy	rejected		MFR denied, 2021 WL 6058835 (2021)	

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Brayboy	Sanders, SM.	15-183V	8/30/2021	2021 WL 4453146	HPV	premature ovarian insufficiency	accepted	Accepted theory in ruling but later dismissed for insufficient evidence that Petitioner has POI with autoimmune etiology, 2022 WL 1316235		
Moran	Oler, SM.	16-538V	10/4/2021	2021 WL 4853544	flu	rheumatoid arthritis	rejected			
Koller	Gowen, SM.	16-439V	10/8/2021	2021 WL 5027947	pneumoco ccal	Miller-Fisher GBS	accepted			
Andrews	Oler, SM.	16-196V	10/21/2021	2021 WL 5755328	flu	SLE	rejected			
Haubner	Sanders, SM.	16-1426V	10/22/2021	2021 WL 5614942	flu	peripheral neuropathy	rejected			
Winkler	Dorsey, SM.	18-203V	12/10/2021	2021 WL 6276203	Tdap	GBS	not evaluated	Petitioner did not establish other Althen prongs		
Berg	Oler, SM.	16-650V	12/14/2021	2021 WL 6883495	flu	CIDP	accepted in dicta			
I.J.	Corcoran, SM.	16-864V	1/4/2022	2022 WL 277555	Tdap	transverse myelitis	accepted	Ruling on remand		
Putman	Corcoran, SM.	19-1921V	1/31/2022	2022 WL 600417	MMR	juvenile idiopathic arthritis	rejected			
Mason	Corcoran, SM.	17-1383V	2/4/2022	2022 WL 600415	flu	CIDP	accepted			

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Clark	Horner, SM.	18-813V	2/7/2022	2022 WL 16635681	hepatitis B	shoulder	rejected			
Sanchez	Corcoran, SM.	18-1012V	3/11/2022	2022 WL 1013264	Tdap	CIDP	rejected			
Maloney	Dorsey, SM.	19-1713V	3/17/2022	2022 WL 1074087	pneumoco ccal	GBS	accepted			
Tracy	Sanders, SM.	16-213V	3/30/2022	2022 WL 1125281	pneumoco ccal	transverse myelitis	accepted			
K.A.	Corcoran, SM.	16-989V	4/18/2022	2022 WL 20213037	Tdap	GBS	rejected		MFR denied, 164 Fed.Cl. 98 (2022)	affirmed, 2024 WL 2012526
Gapen	Moran, SM.	19-422V	5/5/2022	2022 WL 1711616	pneumoco ccal	ulcerative colitis	rejected			
Moses	Moran, SM.	19-739V	5/18/2022	2022 WL 2073346	MMR, varicella, pneumoco ccal	sJIA	rejected			
Henkel	Sanders, SM.	15-1048V	8/31/2022	2022 WL 16557979	live flu	narcolepsy	accepted	Petitioner did not establish other Althen prongs	MFR denied, 165 Fed.Cl. 153 (2023)	affirmed, 2024 WL 3873569
J.D.	Sanders, SM.	14-742V	8/31/2022	2022 WL 16543853	flu	small fiber neuropathy	rejected			
Gross	Dorsey, SM.	17-1075V	9/22/2022	2022 WL 9669651	pneumoco ccal	CIDP	accepted			
Mitchell	Dorsey, SM.	19-1534V	1/11/2023	2023 WL 4483134	flu	ITP	accepted			

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
C.F	Horner, SM.	15-731V	1/20/2023	2023 WL 2198809	HPV	POTS	rejected			
E.A.	Dorsey, SM.	18-1587V	1/24/2023	2023 WL 2640710	flu	Bell's palsy	accepted			
Bishara	Moran, SM.	19-115V	1/27/2023	2023 WL 2799054	Tdap	scleroderma	rejected			
J.S.	Meyers, J.	16-1083V	2/13/2023	164 Fed. Cl. 314	hepatitis B, HPV	POTS	rejected	SM was not arbitrary or capricious in rejecting molecular mimicry		affirmed 9/5/24
Trollinger	Corcoran, SM.	16-473V	2/17/2023	2023 WL 2521912	pneumococcal	GBS	rejected		MFR denied, 167 Fed.Cl. 127 (2023)	
Radford	Moran, SM.	18-704V	2/22/2023	2023 WL 2159306	flu	CIDP	rejected			
Ambriz	Sanders, SM.	15-502V	2/27/2023	2023 WL 2771037	HPV	auto-immune autonomic ganglionopathy	rejected			
Bello	Sanders, SM.	13-349V	3/10/2023	2023 WL 2447497	HPV	premature ovarian failure	accepted	Denied entitlement on other prongs	MFR denied, 167 Fed.Cl. 517 (2023)	

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Le	Dorsey, SM.	16-1078V	3/30/2023	2023 WL 3049203	Tdap	transverse myelitis	accepted			
Giannantonio	Moran, SM.	18-497V	3/30/2023	2023 WL 2721387	varicella	ADEM	rejected			
J.G.	Dorsey, SM.	20-664V	4/3/2023	2023 WL 2752634	hepatitis A	GBS	accepted			
Specks	Sanders, SM.	15-491V	4/14/2023	2023 WL 2947619	flu	POTS	rejected			
Drummond	Sanders, SM.	16-702V	4/21/2023	2023 WL 3035072	HPV	POTS	rejected			
Kelly	Horner, SM.	16-1548V	5/5/2023	2023 WL 3274159	flu	myasthenia gravis	rejected			
Smilo	Dorsey, SM.	18-1585V	5/15/2023	2023 WL 3918397	flu	myasthenia gravis	rejected			
Bravo	Moran, SM.	17-501V	5/31/2023	2023 WL 4147146	hepatitis B	multiple sclerosis	rejected			
Hofer	Gowen, SM.	18-1752V	6/12/2023	2023 WL 4397810	flu	MAID	accepted			
Clark	Oler, SM.	17-1553V	6/16/2023	2023 WL 4897284	flu	rheumatoid arthritis	rejected			
McDaniel	Dorsey, SM.	17-1322V	6/26/2023	2023 WL 4678688	flu	dermato- myositis	rejected			
Schlusser	Sanders, SM.	16-901V	6/30/2023	2023 WL 4926908	flu	small fiber neuropathy	rejected			
Osso	Dorsey, SM.	18-575V	7/13/2023	2023 WL 5016473	hepatitis B	GBS	accepted			
Williams	Roth, SM.	13-471V	7/25/2023	2023 WL 4741993	hepatitis A & B	multiple sclerosis	accepted			
Mathis	Moran, SM.	20-431V	8/1/2023	2023 WL 5436135	flu	multiple sclerosis	rejected			
Cobb	Oler, SM.	17-1123V	8/21/2023	2023 WL 6457568	HPV	narcolepsy	accepted			

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Townsend	Dorsey, SM.	14-266V	8/29/2023	2023 WL 6212496	flu	multiple sclerosis	rejected		MFR denied, 170 Fed.Cl. 130 (2024)	appeal filed
Bowling	Moran, SM.	18-109V	9/20/2023	2023 WL 6846491	flu	transverse myelitis	rejected			
Farag	Sanders, SM.	17-714V	9/29/2023	2023 WL 7203034	HPV	alopecia areata	rejected			
Denningtor	Somers, J.	18-1303V	10/6/2023	167 Fed. Cl. 640	tetanus	GBS	rejected			
Stoev	Moran, SM.	19-1434V	10/12/2023	2023 WL 7297981	HPV	chronic regional pain syndrome	rejected			
Arredondo	Dorsey, SM.	18-1782V	10/31/2023	2023 WL 8181138	flu	Bell's palsy	accepted			
Fiske	Oler, SM.	17-1378V	11/13/2023	2023 WL 8352761	flu	small fiber neuropathy	accepted			
Sprenger	Dorsey, SM.	18-279V	11/14/2023	2023 WL 8543435	pneumococcal	GBS	accepted			
Wilson	Oler, SM.	17-1264V	12/7/2023	2023 WL 9053671	flu	rheumatoid arthritis	rejected			
Greenhaw	Moran, SM.	21-2032V	1/2/2024	2024 WL 263123	flu	small fiber neuropathy	rejected			
Stricker	Moran, SM.	18-56V	1/2/2024	2024 WL 263189	HPV	systemic lupus erythematosus (SLE)	rejected		mot. for rev. denied, 170 Fed.Cl. 701 (2024)	

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Anderson	Dorsey, SM.	18-484V	1/17/2024	2024 WL 557052	pneumoco ccal	GBS	accepted			
Alsaadeh	Dorsey, SM.	19-1097V	1/23/2024	2024 WL 694072	flu	hearing loss	rejected			
Rocha	Moran, SM.	16-241V	2/1/2024	2024 WL 752787	hepatitis B	vasculitis	rejected			
Gamboa-Avila	Tapp, J.	18-925V	2/26/2024	2023 WL 6536207	pneumoco ccal	GBS	rejected		MFR denied, 170 Fed.Cl. 441 (2024)	appeal filed
Hermes	Dorsey, SM.	19-70V	3/4/2024	2024 WL 1340669	DTaP	sensori-neural hearing loss	rejected		MFR denied, 2024 WL 3837327	
Sparrow	Moran, SM.	18-295V	3/19/2024	2024 WL 1599165	MMR	ADEM	rejected		MFR filed	
Brancheau	Dorsey, SM.	21-1209V	3/21/2024	2024 WL 1619606	flu	transverse myelitis	not evaluated	Petitioner did not establish other Althen prongs		
Lau	Dorsey, SM.	19-1956V	3/22/2024	2024 WL 1638367	flu	GBS - non-Table	accepted			
L.R. / Baxte Oler, SM.		16-922V	3/28/2024	2024 WL 1912575	various	Anti-NMDAR encephalitis	rejected			
Coons	Dorsey, SM.	20-1067V	3/29/2024	2024 WL 1741619	Td	small fiber neuropathy	accepted			
Broussard	Moran, SM.	18-302V	4/4/2024	2024 WL 1829210	hepatitis B	NMO	rejected			

Appendix 1:

Some Cases with Molecular Mimicry Sorted by Date

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
M.M.	Dorsey, SM.	18-583V	7/18/2024	2024 WL 4164557	flu	neuroinflama mation	not evaluated	Petitioner did not have neuroinflammati on		
Morrison	Oler, SM.	18-386V	7/18/2024	2024 WL 3738934	pneumoco ccal	GBS	rejected			

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Walls	Olers, SM.	16-557V	6/23/2020	2020 WL 13801342	childhood	ITP	accepted			
Hermes	Dorsey, SM.	19-70V	3/4/2024	2024 WL 1340669	DTaP	sensori-neural hearing loss	rejected		MFR denied, 2024 WL 3837327	
Haubner	Sanders, SM.	16-1426V	10/22/2021	2021 WL 5614942	flu	peripheral neuropathy	rejected			
E.A.	Dorsey, SM.	18-1587V	1/24/2023	2023 WL 2640710	flu	Bell's palsy	accepted			
Arredondo	Dorsey, SM.	18-1782V	10/31/2023	2023 WL 8181138	flu	Bell's palsy	accepted			
Patton	Horner, SM.	15-1553V	5/17/2021	2021 WL 2389835	flu	brachial neuritis	rejected	On review, CFC found that molecular mimicry theory satisfied Althen 1	vacated and remanded, 157 Fed.Cl. 159 (2021).	
Berg	Oler, SM.	16-650V	12/14/2021	2021 WL 6883495	flu	CIDP	accepted in dicta			
Mason	Corcoran, SM.	17-1383V	2/4/2022	2022 WL 600415	flu	CIDP	accepted			
Radford	Moran, SM.	18-704V	2/22/2023	2023 WL 2159306	flu	CIDP	rejected			
McDaniel	Dorsey, SM.	17-1322V	6/26/2023	2023 WL 4678688	flu	dermato-myositis	rejected			
Caredio	Corcoran, SM.	17-79V	7/30/2021	2021 WL 4100294	flu	epilepsy	rejected		MFR denied, 2021 WL 6058835 (2021)	

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Sweeney	Sanders, SM.	13-392V	2/28/2020	2020 WL 1844672	flu	GBS	not evaluated	GBS as diagnosis was not established		
Rowan	Corcoran, SM.	17-760V	4/28/2020	2020 WL 2954954	flu	GBS	not evaluated	Timing was wrong		
Soltero Arias	Horner, SM.	16-808V	10/20/2020	2020 WL 6706071	flu	GBS	accepted	Petition filed before Table change		
Lau	Dorsey, SM.	19-1956V	3/22/2024	2024 WL 1638367	flu	GBS - non-Table	accepted			
Alsaadeh	Dorsey, SM.	19-1097V	1/23/2024	2024 WL 694072	flu	hearing loss	rejected			
Mitchell	Dorsey, SM.	19-1534V	1/11/2023	2023 WL 4483134	flu	ITP	accepted			
Hofer	Gowen, SM.	18-1752V	6/12/2023	2023 WL 4397810	flu	MAID	accepted			
Hitt	Moran, SM.	15-1283V	1/24/2020	2020 WL 831822	flu	multiple sclerosis	accepted			
Robinson	Oler, SM.	14-952V	4/12/2021	2021 WL 2371721	flu	multiple sclerosis	accepted			
Mathis	Moran, SM.	20-431V	8/1/2023	2023 WL 5436135	flu	multiple sclerosis	rejected			
Townsend	Dorsey, SM.	14-266V	8/29/2023	2023 WL 6212496	flu	multiple sclerosis	rejected		MFR denied, 170 Fed.Cl. 130 (2024)	appeal filed
Kelly	Horner, SM.	16-1548V	5/5/2023	2023 WL 3274159	flu	myasthenia gravis	rejected			
Smilo	Dorsey, SM.	18-1585V	5/15/2023	2023 WL 3918397	flu	myasthenia gravis	rejected			

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
M.M.	Dorsey, SM.	18-583V	7/18/2024	2024 WL 4164557	flu	neuroinflammation	not evaluated	Petitioner did not have neuroinflammation		
Sweeney	Sanders, SM.	13-392V	2/28/2020	2020 WL 1844672	flu	para-neoplastic syndrome	accepted	Respondent's expert offered MM to explain how lung cancer could have neurologic complications. SM seemed to endorse.		
Blender	Dorsey, SM.	16-1308V	2/26/2021	2021 WL 1096662	flu	polyneuropathy	accepted	Special master found that pneumococcal vaccine played no role		
Specks	Sanders, SM.	15-491V	4/14/2023	2023 WL 2947619	flu	POTS	rejected			
Parker	Sanders, SM.	14-979V	6/24/2019	2019 WL 3425297	flu	rheumatoid arthritis	accepted			
Tullio	Moran, SM.	15-51V	12/19/2019	2019 WL 7580149	flu	rheumatoid arthritis	rejected		MFR denied, 149 Fed. Cl. 448 (2020)	
Moran	Oler, SM.	16-538V	10/4/2021	2021 WL 4853544	flu	rheumatoid arthritis	rejected			
Clark	Oler, SM.	17-1553V	6/16/2023	2023 WL 4897284	flu	rheumatoid arthritis	rejected			

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Wilson	Oler, SM.	17-1264V	12/7/2023	2023 WL 9053671	flu	rheumatoid arthritis	rejected			
Andrews	Oler, SM.	16-196V	10/21/2021	2021 WL 5755328	flu	SLE	rejected			
Fiske	Oler, SM.	17-1378V	11/13/2023	2023 WL 8352761	flu	small fiber neuropathy	accepted			
Greenhaw	Moran, SM.	21-2032V	1/2/2024	2024 WL 263123	flu	small fiber neuropathy	rejected			
E.M.	Sanders, SM.	14-753V	7/9/2021	2021 WL 3477837	flu	small fiber neuropathy	accepted			
J.D.	Sanders, SM.	14-742V	8/31/2022	2022 WL 16543853	flu	small fiber neuropathy	rejected			
Schlusser	Sanders, SM.	16-901V	6/30/2023	2023 WL 4926908	flu	small fiber neuropathy	rejected			
Parmer	Roth, SM.	16-880V	3/25/2021	2021 WL 1524512	flu	Thrombotic Thrombo-cytopenia	accepted			
Pearson	Dorsey, SM.	16-9V	7/31/2019	2019 WL 3852633	flu	transverse myelitis	rejected			
Bowling	Moran, SM.	18-109V	9/20/2023	2023 WL 6846491	flu	transverse myelitis	rejected			
Brancheau	Dorsey, SM.	21-1209V	3/21/2024	2024 WL 1619606	flu	transverse myelitis	not evaluated	Petitioner did not establish other Althen prongs		
Temes	Corcoran, SM.	16-1465V	5/21/2020	2020 WL 4198036	flu and/or pneumococcal	cryoglobulinemia	rejected		MFR denied, 151 Fed. Cl. 448 (2020)	

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Temes	Griggsby, J.	16-1465V	12/7/2020	151 Fed. Cl. 448	flu and/or pneumococcal	cryoglobulinemia	rejected	Special master's rejection of molecular mimicry was supported by substantial evidence.		
J.G.	Dorsey, SM.	20-664V	4/3/2023	2023 WL 2752634	hepatitis A	GBS	accepted			
Williams	Roth, SM.	13-471V	7/25/2023	2023 WL 4741993	hepatitis A & B	multiple sclerosis	accepted			
Osso	Dorsey, SM.	18-575V	7/13/2023	2023 WL 5016473	hepatitis B	GBS	accepted			
Bravo	Moran, SM.	17-501V	5/31/2023	2023 WL 4147146	hepatitis B	multiple sclerosis	rejected			
Broussard	Moran, SM.	18-302V	4/4/2024	2024 WL 1829210	hepatitis B	NMO	rejected			
Yalacki	Firestone, J.	14-278V	8/5/2019	146 Fed. Cl. 80	hepatitis B	POTS, CFS	rejected	SM was not arbitrary or capricious in rejecting molecular mimicry		
Clark	Horner, SM.	18-813V	2/7/2022	2022 WL 16635681	hepatitis B	shoulder	rejected			
Rocha	Moran, SM.	16-241V	2/1/2024	2024 WL 752787	hepatitis B	vasculitis	rejected			

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
J.S.	Meyers, J.	16-1083V	2/13/2023	164 Fed. Cl. 314	hepatitis B, HPV	POTS	rejected	SM was not arbitrary or capricious in rejecting molecular mimicry		affirmed 9/5/24
Farag	Sanders, SM.	17-714V	9/29/2023	2023 WL 7203034	HPV	alopecia areata	rejected			
Ambriz	Sanders, SM.	15-502V	2/27/2023	2023 WL 2771037	HPV	auto-immune autonomic ganglionopathy	rejected			
Stoev	Moran, SM.	19-1434V	10/12/2023	2023 WL 7297981	HPV	chronic regional pain syndrome	rejected			
Allard	Roth, SM.	14-442V	3/9/2020	2020 WL 1649669	HPV	ITP	rejected			
Phillips	Oler, SM.	16-906V	11/23/2020	2020 WL 7767511	HPV	ITP	accepted			
Cobb	Oler, SM.	17-1123V	8/21/2023	2023 WL 6457568	HPV	narcolepsy	accepted			
Duncan	Moran, SM.	16-1367V	10/19/2020	2020 WL 6738118	HPV	PANDAS	rejected		MFR denied, 153 Fed. Cl. 642 (2021)	

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Duncan	Davis, J.	16-1367V	4/19/2021	153 Fed. Cl. 642	HPV	PANDAS	rejected	SM was not arbitrary or capricious in rejecting molecular mimicry		
McKown	Corcoran, SM.	15-1451V	7/15/2019	2019 WL 4072113	HPV	POTS	rejected			
C.F	Horner, SM.	15-731V	1/20/2023	2023 WL 2198809	HPV	POTS	rejected			
Drummonc Sanders, SM.		16-702V	4/21/2023	2023 WL 3035072	HPV	POTS	rejected			
Bello	Sanders, SM.	13-349V	3/10/2023	2023 WL 2447497	HPV	premature ovarian failure	accepted	Denied entitlement on other prongs	MFR denied, 167 Fed.Cl. 517 (2023)	
Brayboy	Sanders, SM.	15-183V	8/30/2021	2021 WL 4453146	HPV	premature ovarian insufficiency	accepted	Accepted theory in ruling but later dismissed for insufficient evidence that Petitioner has POI with autoimmune etiology, 2022 WL 1316235		
Nifakos	Oler, SM.	14-236V	3/4/2021	2021 WL 1345218	HPV	primary medistinal large B-cell lymphoma	rejected			

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Stricker	Moran, SM.	18-56V	1/2/2024	2024 WL 263189	HPV	systemic lupus erthematosus (SLE)	rejected		mot. for rev. denied, 170 Fed.Cl. 701 (2024)	
E.S.	Corcoran, SM.	17-480V	11/13/2020	2020 WL 9076620	HPV, flu	CFS	rejected		MFR denied, 154 Fed.Cl. 149 (2021)	
E.S.	Corcoran, SM.	17-480V	11/13/2020	2020 WL 9076620	HPV, flu	narcolepsy	rejected		MFR denied, 154 Fed.Cl. 149 (2021)	
E.S.	Corcoran, SM.	17-480V	11/13/2020	2020 WL 9076620	HPV, flu	POTS	rejected		MFR denied, 154 Fed.Cl. 149 (2021)	
E.S.	Corcoran, SM.	17-480V	11/13/2020	2020 WL 9076620	HPV, flu	small fiber neuropathy	rejected		MFR denied, 154 Fed.Cl. 149 (2021)	

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Phillips	Oler, SM.	16-906V	11/23/2020	2020 WL 7767511	live flu	ITP	rejected			
Henkel	Sanders, SM.	15-1048V	8/31/2022	2022 WL 16557979	live flu	narcolepsy	accepted	Petitioner did not establish other Althen prongs	MFR denied, 165 Fed.Cl. 153 (2023)	affirmed, 2024 WL 3873569
Sparrow	Moran, SM.	18-295V	3/19/2024	2024 WL 1599165	MMR	ADEM	rejected		MFR filed	
Putman	Corcoran, SM.	19-1921V	1/31/2022	2022 WL 600417	MMR	juvenile idiopathic arthritis	rejected			
Pickens	Moran, SM.	17-187V	1/22/2021	2021 WL 615218	MMR	SIDP	rejected			
Castaneda	Oler, SM.	15-1066V	5/18/2020	2020 WL 3833076	MMR and others	PANS	rejected	Onset was too quick	MFR denied, 152 Fed.Cl. 576 (2020)	
Moses	Moran, SM.	19-739V	5/18/2022	2022 WL 2073346	MMR, varicella, pneumoco ccal	sJIA	rejected			
Gross	Dorsey, SM.	17-1075V	9/22/2022	2022 WL 9669651	pneumoco ccal	CIDP	accepted			
Deshler	Corcoran, SM.	16-1070V	7/1/2020	2020 WL 4593162	pneumoco ccal	GBS	rejected			
Maloney	Dorsey, SM.	19-1713V	3/17/2022	2022 WL 1074087	pneumoco ccal	GBS	accepted			

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Trollinger	Corcoran, SM.	16-473V	2/17/2023	2023 WL 2521912	pneumoco ccal	GBS	rejected		MFR denied, 167 Fed.Cl. 127 (2023)	
Sprenger	Dorsey, SM.	18-279V	11/14/2023	2023 WL 8543435	pneumoco ccal	GBS	accepted			
Anderson	Dorsey, SM.	18-484V	1/17/2024	2024 WL 557052	pneumoco ccal	GBS	accepted			
Gamboa-Avila	Tapp, J.	18-925V	2/26/2024	2023 WL 6536207	pneumoco ccal	GBS	rejected		MFR denied, 170 Fed.Cl. 441 (2024)	appeal filed
Morrison	Oler, SM.	18-386V	7/18/2024	2024 WL 3738934	pneumoco ccal	GBS	rejected			
Loyd	Corcoran, SM.	16-811V	5/20/2021	2021 WL 2708941	pneumoco ccal	ITP	rejected	SM was not arbitrary or capricious in rejecting molecular mimicry	MFR denied, not available on WL	affirmed, 2023 WL 1878572
Koller	Gowen, SM.	16-439V	10/8/2021	2021 WL 5027947	pneumoco ccal	Miller-Fisher GBS	accepted			
Tracy	Sanders, SM.	16-213V	3/30/2022	2022 WL 1125281	pneumoco ccal	transverse myelitis	accepted			
Gapen	Moran, SM.	19-422V	5/5/2022	2022 WL 1711616	pneumoco ccal	ulcerative colitis	rejected			
Coons	Dorsey, SM.	20-1067V	3/29/2024	2024 WL 1741619	Td	small fiber neuropathy	accepted			

Appendix 2:

Some Cases with Molecular Mimicry Sorted by Vaccine and then Injury

<u>Title</u>	<u>Judicial Officer</u>	<u>Docket</u>	<u>Date</u>	<u>cite</u>	<u>Vaccine</u>	<u>Injury</u>	<u>outcome</u>	<u>notes</u>	<u>CoFC review</u>	<u>Fed. Cir. review</u>
Sanchez	Corcoran, SM.	18-1012V	3/11/2022	2022 WL 1013264	Tdap	CIDP	rejected			
Winkler	Dorsey, SM.	18-203V	12/10/2021	2021 WL 6276203	Tdap	GBS	not evaluated	Petitioner did not establish other Althen prongs		
K.A.	Corcoran, SM.	16-989V	4/18/2022	2022 WL 20213037	Tdap	GBS	rejected		MFR denied, 164 Fed.Cl. 98 (2022)	affirmed, 2024 WL 2012526
Bishara	Moran, SM.	19-115V	1/27/2023	2023 WL 2799054	Tdap	scleroderma	rejected			
Swaiss	Gowen, SM.	15-286V	11/4/2019	2019 WL 6520791	Tdap	small fiber GBS	accepted			
I.J.	Corcoran, SM.	16-864V	1/4/2022	2022 WL 277555	Tdap	transverse myelitis	accepted	Ruling on remand		
Le	Dorsey, SM.	16-1078V	3/30/2023	2023 WL 3049203	Tdap	transverse myelitis	accepted			
Denningtor Somers, J.		18-1303V	10/6/2023	167 Fed. Cl. 640	tetanus	GBS	rejected			
Giannantonio	Moran, SM.	18-497V	3/30/2023	2023 WL 2721387	varicella	ADEM	rejected			
L.R. / Baxte Oler, SM.		16-922V	3/28/2024	2024 WL 1912575	various	Anti-NMDAR encephalitis	rejected			